DEBATE IN THE SENATE

to assessed

Monday, February 25, 1850.

Mr. BENTON. I wish to ask the attention of the Senat to a circumstance so unusual to me, that I believe it is the first time I have found occasion to make such an appeal to the Senate for the thirty years during which I have been a member of this body. I was not in my place on Thursday last, when the debate took place in which I was referred to by the Senator from Alabama, now in his seat, (Mr. CLEMENS. I have seen in the papers what appears to be a revised report of what was said upon that occasion, and which I shall read

" Mr. CLEMENS. The motion of the Senator from Missouri, (Mr. BENTON,) and the first of the series of resolutions presented not long since by the Senator from Kentucky (Mr CLAY,) are in substance the same. I shall consider and treat them as identical. They seem to be so regarded by the Senator from Kentucky himself, though his speech at one time certainly left a different impression on my mind. I suppose I did not understand him rightly. Be that, however, as it may, there is now entire concord of opinion and action between himself and the Senator from Missouri. A concord which is by no means the least significant of the portents by which we are surround d. I have read indeed that a time was coming when the lion and the lamb should
 lie down together, but I did not expect to witness any thing approaching that happy state in my day. All incredulity, however, is now at an end, and I am prepared to believe in any miracle, and treat with grave consideration any pro-phecy. When Thomas H. Benton and Henry Clay, 'the great expunger' and 'the great embodiment,' are found holding sweet converse with each other, forgetting the animosities of thirty years, and lovingly pulling side by side in the same team, there can be nothing so wild and fanciful as o defy belief.
"Mr. CLAY. Sir, it is not my purpose to enter into an

elaborate reply to the argument of the eloquent gentleman from Alabama-a Senator who, I am in hopes, will add honor to this body by the talent and ability which he has two or three observations made by that Senator which de-mand from me some short notice. And the first is an allusion to an intercourse between a Senator who is not now in his seat-the Senator from Missouri-and myself, in which the gentleman remarked that the lion and the lamb had got together. I do not know to which of these quadrupeds he assigned me; I should make a very poor lamb I am afraid, and I am very far from being ambitious of claiming the

prowess of the lion. "Mr. CLEMENS. I meant, of course, that the Senator from Kentucky was the lion. I meant simply to express, by this figure, that they who had always heretofore been the antipodes of each other, had now met together upon this ques-'tion, and therefore that the South was menaced with

Mr. BENTON, (continuing.) Now, Mr. President, with all the decorum which is due to this body-Mr. CLEMENS. Will the Senator give way for a mo-

ment for an explanation? Mr. BENTON, certainly. I hope it will be unnecessary for me to say any thing more.

Mr. CLEMENS. The Senator has assumed what is not done so, I think I should probably have expressed the same idea, but in different language. I would not have said that "therefore the South was in danger," but I would have explained that that combination between the Senator from Missouri and the Senator from Kentucky made it almost certain that California would be admitted, which I regarded as a great danger to the South. With this explanation, I am ready to hear almost any thing which the Senator from Missouri has to say.

Mr. BENTON. I am greatly relieved by the explanation. I had hoped that the honorable Senator would relieve me from the necessity of saying any thing further. He has not revised the report of the part of his speech to which I specially except, and I understand him now to say that he regards the Senator from Kentucky (Mr. CLAY) and myself to be of accord in wishing to bring California into the Union, and that motion. I had given notice that when the resolution came he would consider the admission of California as menacing danger to the South. I believe that takes away the necessity of my adding any thing further, and, happy to have an opportunity of catching at any thing that will save me the necessity of making a denial on this floor, I accept what the gentleman

TERRITORIAL GOVERNMENTS.

The VICE PRESIDENT. The next business in order is

Deseret, and New Mexico.

Mr. FOOTE. I move that that resolution be taken up for the purpose of being referred to a committee of thirteen-six of whom to be selected from the slave States and six from the free States, and one to be chosen by these twelve-with instructions to take upon themselves the duty of endeavoring procure a compromise embracing all the questions now arising out of the institution of slavery.

The motion was agreed to, and the question was stated to

be on the motion to refer it to a committee of thirteen.

Mr. TURNEY. Mr. President, it is not my purpor say a word in favor of the adoption of the motion Senate. My principal object in rising is to correct a misrep-resentation of the proceedings of the Legislature of Tennessee, connected with this subject. I think it due to the State which

I in part represent that the correction should be made. I find in the Intelligencer of Saturday merning the following article, which I will ask the Secretary to read. The SECRETARY read the article.

Mr. TURNEY. There are various errors in this account of the resolutions given in the Intelligencer. In the first place, sir, it is not true that any such article as this was ever published in the Nashville Union. The editor of the Intelligencer has mistaken the paper from which he made the extract. I have before me the Nashville Union, which advocates the Southern Convention as strongly as any paper, I believe, in any of the Southern States. I do not charge that this is an intentional mistake on the part of the editors of the Intellibut to let it go on, and in the mean time I hope the committee the senate for consideration. gencer. I know not how they fell into this error. They, I doubt not, can explain it, and their explanation will accompany the remarks which I make in relation to it. I make no

charge whatever of any intentional misstatement on their part.

Again, Mr. President, this article does not give the resolutions as adopted by the Legislature of Tennessee. The last resolution is a correct copy, as far as it goes, but it leaves out the most important and material part of the resolution, and is, therefore, calculated to make a false impression on the public mind as to the position assumed by the Legislature of that State. I will read that portion of the resolution which is left out by the Intelligencer. It is as follows:

"And that the only manner by which the Union can be preserved in its original purity, so as to secure to the several States their constitutional rights, is by resisting, at all hazards and to the last extremity, any and all attempts to violate the spirit and intent of the provisions," [of the constitution.]

This part of the resolution, the most important and material portion of it, adopted by the Legislature of Tennessee, is entirely left out by the Intelligencer. I'do not charge the editor of that paper with garbling the resolution. Doubtless he has copied it from some other paper; but certain it is, that it was not taken from the Nashville Union.

Again this account is false. It says that the Legislature

of Tennessee not only fa'led to appoint delegates to the Convention, but that they condemned the holding of this Convention, the motives and objects of those who have moved in it, and who were its patrons. This, sir, is equally untrue. Palpably false in relation to one portion of the Legislature, and, should say, equally false as to the other—I mean the two by the Senator from New Hampshire.

Mr. FOOTE. Where is the Senator from New Hampshire.

great parties into which the country is divided. The history of the proceedings on this subject in the Legis-lature of Tennessee is this: The Democrats had a majority this motion, as soon as the Senator from New Jersey had in the House, the Whigs had a majority in the Senate. Resolutions were introduced into the House, the same as or substantially copies of the resolutions passed by the Legislature of Mississippi, with the exception of a resolution taking broad of Mississippi, with the exception of a resolution taking broad and strong ground against the admission of California, and I cannot understand. That would certainly involve no quesplacing it, I believe, on the same footing as the attachment of tion of compromise. I have no objection, however, to allow the Wilmot provise to territorial bills. These resolutions passed the Senator from New Hampshire to move his amendment, the House, and also a resolution providing for the appointment of delegates to the Southern Convention, to be holden at Nashville. These resolutions all passed the House, I believe, by

a party vote.

A SENATOR. By a party vote?

Mr. TURNEY. By a party vote, I believe. The Whigs, however, offered resolutions, some of which I have read. And in relation to the question of sending delegates to the Convention, the Whig party took this ground : first, that they deemed it proper that the people themselves should determine whether they would choose to be represented in that Convention; and, secondly, if they chose to be so represented, that they should elect the delegates to the Convention. Therefore it is that it seems that the charge contained in this papercopied, I doubt not, from some other paper—is palpably false in relation to both political parties in the State of Tennessee; that neither party repudiated, censured, or condemned the Southern Convention to be held at Nashville. One of the parties advocated it, and thought the Legislature was the pro-

sist at all hazards and to every extremity any encroachments upon their rights or their honor—their rights as equals, or the Senate while this committee will have it within its power the people of this country, the Union is believed to be in the upon their rights or their honor—their rights as equals, or the Senate while this committee will have it within its power their rights of property. This is the only mode by which it to report a bill, which might not be reported if the comcan be preserved, and it seems to me that the editors of this mittee had first listened to the discussions that were taking paper, whose sole object is to preserve the Union, should not so one-sided in all their extracts. Sir, it leaves but one impression on my mind-that as much as they love the Union, they are willing to place it in jeopardy by carrying out these measures. The Legislatures of the Southern States, I believe, have discovered a sufficient cause of resistance, and if they have foreshadowed a dissolution of the Union, it cannot have been done without apparent cause. If the editors of the Intelligencer are for the Union, they are for it according to the wishes of the Northern people; they will jeopard and sacrifice it rather than fail to carry into effect the views of the Northern men who have created this immense excitement. Sir, let those who desire to preserve this Union make one or two appeals to their Northern friends, and not confine them entirely to the South. Does the editors of the Intelligencer suppose there is no patriotism in the North ' I, for one, cannot agree with him if they do; but that, if they have to make a sacrifice, they will be willing to make an equal sacrifice with the Southern States. They do possess patriotism; and if the Intelligencer were to appeal a little to them, and ask them to stay their hands-to cease their aggressions upon the South, they would be perhaps as likely to preserve the Union by this mode as they would by the mode which they

have seen proper to adopt. -Mr. DOWNS. Will the honorable Senator from Tennessee allow me to ask him a question? It has been stated in many of the papers that the people, or the municipal au-thorities, I cannot tell which, have interfered to prevent the assembling of this Convention at Nashville. I should be glad to hear if the honorable Senator has any information on that subject; and if he has, I hope he will be kind enough to furnish it to the Senate. And as something has been said also about Gen. Armstrong being opposed to the Convention and being willing to use Gen. Jackson's sword to disperse it, will the honorable Senator give us any information he may pos-

Mr. TURNEY. Mr. President, my information from Tennessee is that the people are anxious that the Convention should sit there, and they will afford them every possible facility. I hope and believe that they will have delegates to sit with them, and that these rumors referred to by the Senator from Louisiana (Mr. Downs) in relation to the declaration of Gen. Armstrong are false. I had a conversation with Gen. Armstrong on Sunday morning in relation to the misrepresentations about the resolutions passed by the Legislature of Tennessee, and in relation to what steps should now be taken, inasmuch as no provision has been made for the appointment of delegates. Gen. Armstrong is in favor of the State sending delegates to this Convention, and he told me he would exert own volition; but I did it after serious consultation with delegates to this Convention, and he told me he would exert the fact. He has assumed that what he has read is a corrected his influence amongst his friends in the State to induce them some of the wisest and ablest men in either House of Congress report of what I said. I never saw the report of that remark to call a State Convention and appoint delegates. I, therein reply to Mr. CLAY until after it was published. If I had fore, feel authorized to state that the rumor in relation to Gen. Armstrong is untrue and has no foundation in fact.

sees or that point?

Mr. FOOTE. I rise to say that I will not now press the motion I have introduced, as the hour for proceeding to the orders of the day has arrived. I move that the subject now lie on the table.

Mr. HALE. I wish simply to ask, what is the state of the

Mr. FOOTE. I wish it to be passed by informally.
The VICE PRESIDENT. The resolution was taken up and a motion made by the honorable Senator from Mississippi to refer it to a select committee of thirteen. It is now pro posed to pass by that motion informally.

Mr. HALE. I was absent from my seat just now, and did

not hear the Senator from Mis issippi (Mr. Foots) make his up I should offer an amendment to it, in order that it might be referred to the same committee and at the same time. I hope the honorable Senator will withdraw the motion for a moment to allow me to submit the amendment. I do not want to dis cuss it, but have an opportunity of voting upon it. Mr. FOOTE. I have no objection.

Mr. HALE. The motion to pass by informally being withdrawn, I offer the following amendment:
"Securing to the inhabitants of those Territories all the the resolution of the Senator from Mississippi in relation to privileges and liberties secured to the inhabitants of the North-the establishment of Territorial Governments for California, west Territory by the ordinance of July 13, 1787." I now renew the motion to pass by this subject informally.

The motion was agreed to. THE COMPROMISE.

The Senate resumed the consideration of the resolutions nce offered by MI. CLAY. Mr. MILLER resumed and concluded the speech which he ommenced on Thursday last.

Mr. RUSK. As there is a special order for to-morrow, I vill move that these resolutions be postponed until Wednesday. The motion was agreed to.

SELECT COMMITTEE TO PREPARE A COMPROMISE. Mr. FOOTE. I now ask permission, sir, to renew the motion which I made this morning for the appointment of a committee of thirteen, with certain instructions, for the purpose of maturing a scheme of compromise for the adjustment of all pending questions growing out of the subject of slavery. I will state that the resolution which I have presented for this purpose has been carefully drawn; and that it will not interfere in the least degree with the propositions that have been or may be submitted by any other gentleman. If this resolution be adopted and the question referred, the resolutions of the Senator from Kentucky will still be before the Senate, and the motion of the Senator from Missouri to refer the President's message in relation to the admission of California to but to let it go on, and in the mean time I hope the committee will be accorded by the Senate. I have an abiding, an entire confidence that the thirteen gentlemen selected to serve upon that committee will arrange some scheme for the permanent adjustment of those questions that now agitate the country. For, sir, if this be not speedily done, much more serious consequences than those which we have yet realized will inevitably ensue. I do hope that, under the circumstances, honorable Senators, if they have not very good reasons

for voting against my resolution, will sustain it.

Mr. CLEMENS. How will this committee be constituted Mr. FOOTE. The motion is to select by ballot six Senators from the slaveholding and six from the free States; and the thirteenth member to be chosen by the twelve thus elected; and the duty of the committee is prescribed in the pape which I have submitted to the Senate. Mr. BADGER. Will the Senator modify his resolution

so that this may be clearly expressed? Mr. FOOTE. Certainly, sir, I have no objection to do so. Mr. DAYTON. I desire to state, what will be in the memory doubtless of the Senator from Mississippi, and other members of this body, that the Senator from New Hampshire has offered an amendment to his resolution; and, if my recol-lection of that amendment be correct, it brings up the whole question that is now undergoing discussion. together with the amendment, presents the very questions that are now in the course of general discussion; and I suppose, before we can vote upon the main proposition submitted in the resolution of the Senator from Mississippi, we shall be compelled to vote upon the amendment that has been offered

if it be deemed expedient; but my object is to take up on and have the committee appointed.

Mr. BUTLER. It is not for any purpose of creating difficulty on this subject that I oppose the raising of this committee.
The PRESIDING OFFICER. I would remind the Senator that the question is upon taking up the resolution. Mr. BUTLER. That, I understand, brings up the whole

uestion for discussion; however, I hope it may be taken up. The question then being put upon taking up the resolution or consideration, it was agreed to.

Mr. BUTLER. I shall oppose the course indicated by

Senator from Mississippi very decidedly. If these various subjects in dispute are to go to one committee, they ought not to go, in my opinion, to such a committee until after a fuil discussion shall have been had here.

Mr. WEBSTER. Certainly.
Mr. BUILER. My friend from Texas is desirous o as well as to the subject generally; and there are many other

place here; if they had first consulted the opinions of those whose views it must be supposed are entitled to respect; if they had paid some attention to remarks made outsid committee. The committee will doubtless meet and confer together with closed doors, and it is to be supposed, if the subject be now referred, that they will take their own course independently of any suggestions that are made here.

I think the course pointed out by the Senator from Missi

sippi is—and I say so sincerely—very unfavorable to the final and honorable adjustment of this question. I say, and I say it seriously, that the movement made by the Senator from Kentucky is the most unfortunate movement that has been Mentucky is the most unfortunate movement that has been made yet. He came in too soon with his proposition. Sir, I must be permitted to say that there is a disposition prevalent to bring it in too soon. Many other gentlemen have propositions for an adjustment—I do not use the word compromise—and I am willing to listen to their suggestions. I am very unwilling, however, to take any portion of this subject and commit it to any one committee. As soon as the discussion is ended, I will acquiesce in the reference; but a premature reference I should consider a very unfortunate course.

Mr. FOOTE. I regret to differ from my friend from South

Carolina, but I do so decidedly and deliberately. I think I have very good reasons for differing with him, and such as I hope he will consider satisfactory. Sir, as I stated before, the resolution is so drawn up as not in the least degree to interfere with the resolutions offered by other gentlemen, and not in the least to interfere with the course of debate in this chamber. I did not expect—and I am sure that my honorable friend from South Carolina hardly expected—that the subject could be acted upon by the committee as soon as within the next four days. I should hope, however, that a report would have the standard and be made by Saturday next; for, so help me Heaven, if no-thing be done before Saturday, during the next week occur-rences will take place of a nature to which I will not do more than allude. I believe, sir, that during this week these questions must be compromised, or no compromise will be practi-cable. I have good reasons, sir, for what I state. I know the facts. I have looked into the matter. I have conversed with members of both Houses of Congress; and I state, upor my honor, that unless we do something during the present week, I entertain not the least doubt that this subject will leave our jurisdiction, and leave it forever.

Sir. I am no alarmist; but I am in the hibit of declaring

myself more freely, perhaps, than my friend from South Carolina. I know that I express in this statement the opinion some of the sages of this republic. Is it supposed that I wish to interfere with the Senator from Texas-the Senator from Massachusetts, whom some of us desire most earnestly to hear. Is it supposed that I wish to interfere and prevent them from addressing the Senate on this question, or to prevent the honorable Senator from South Carolina, whos speech we hope to hear read in the Senate next Thursday But if we raise this committee, and if it be composed, as hope it will be—always excluding myself, for I feel no desire to be a member of it; on the contrary, I feel deidedly averse to being upon it; of the ablest and most discreet and most patriotic men in this body, those thirteen members of the committee thus organized will deem it their duty, I have no doubt, to be present when an important debate like this is going on; nav, it will be doubtless in accordance with their inclintion to be present.

Mr. BERRIEN. Will the honorable Senator allow the esolution to be read for the purpose of enabling us the better to understand his remarks? Mr. FOOTE. Certainly.

The Secretary then read the resolution to appoint and instruct a select committee as follows :

"To refer to a select committee of six members from the North, and six members from the South, and one member to the be by them chosen, with instructions to exert themselves for the purpose of maturing a scheme of compromise for the ad-justment of all the pending questions growing out of the insti-tution of slavery, and to report by bill or otherwise."

Mr. FOOTE. Is my friend satisfied? Now, this is my riew of the subject. I perfectly concur with the Senator from South Carolina that the resolutions of the Senator from Ken tucky, being of the character they are, were most inopportunely presented to us; and I have a much more decided impression in regard to the debate that has occurred-a sort of still greater peril. It is possible, in my opinion, to dissolve this Union by agitation within the halls of Congress. I am unwilling, therefore, that this debate should progress under existing circumstances. If we can have a practical plan of adjustment presented, or even if we can have a prospective plan presented, that simple fact, in my judgment, will tend to calm the excitement that prevails here and elsewhere throughout the Union; and when some scheme, judicious in its character, shall be presented to us and adopted here, and carried into the House of Representatives, I cannot doubt it will there be ratified, and that it will tend to put an end forever to the controversy which now so seriously endangers this Union. I believe the remedy to which I have referred is the only remedy; for, sir, if we continue to discuss these abstract resolutions all the week, we will find at the end of the week that we have done nothing except to increase still more the excitement which prevails in this body, and to engender in a still greater degree the spirit of hostility which is now existing in both Houses of Congress. In my opinion, we would find it wholly impossible at the end of the week to obtain any adjustment of the prevailing difficulties. Believing this to be the case, and being a sincere over of the Union-having no especial confidence in my own judgment, but very great confidence in the judgment of those with whom I have consulted, and for whom I entertain a very high respect—I feel bound to persevere in the motion that I have made. If it be voted down, let gentlemen take the re-sponsibility. Sir, here in the Senate, when a public discuson is going on upon an exciting question, when honorable Senators feel authorized to declaim fiercely or either side in such a manner as necessarily to awaken feelings of a charac ter endangering the safety of the republic, it is unreasonable to expect that a spirit of compromise will spring up in our midst; but, sir, send thirteen of the more discreet members of this body into a private room, there to confer with each other calmly and coolly, in the absence of all excitement, in the absence of every cause of irritation, and it will result, believe, in their agreeing upon some plan of compromise the will settle this question forever.

Honorable Senators may dispose of this motion as the

please; the responsibility of its rejection, if they reject it, will rest with them. I am decidedly disposed to press the motion, though I cannot now argue it so forcibly as I would

have been glad to do. Mr. BUTLER. I have no wish to protract this debate. think the Senate will bear me witness that I have shown no disposition to introduce into our discussions any element of an inflammatory nature. I have long since come to the conclusion that it has an evil tendency, and I am still less inclined to do it now, as we seem to be approaching a crisis of a solemn and portentous character; for it cannot be otherwise than highly unfavorable to a deliberate and final settlement of the

compromise that does not rest on a basis recognising, in my opinion, the equality of the States.

Mr. FOOTE. Will the honorable Senator allow me to scussion shall have been had here.

Mr. WEBSTER. Certainly.

Mr. BUFLER. My friend from Texas is desirous of the more straight in the plan proposed by the committee should be by them unanimously adopted, he will not be bound to vote for it; although I am satisfied, from some little knowledge which I possess of the feelings of the members of this body, that no plan of adjustment will be brought in by any committee and there are many other and the plan proposed by the committee should be by them unanimously adopted, he will not be bound to vote for it; although I am satisfied, from some little knowledge which I possess of the feelings of the members of this body, that no plan of adjustment will be brought in by any committee and the plan proposed by the committee should be by them unanimously adopted, he will not be bound to vote for it; although I am satisfied, from some little knowledge which I possess of the feelings of the members of this body, that no plan of adjustment will be brought in by any committee.

present time the most opportune of any that can possibly be elected, for raising this committee, and if it could be raised now, and could have the advantage of hearing all these able speeches, they would be enabled by Saturday next to report a plan. The gentleman from South Carolina may shake his head, but I know what I say; let gentlemen take the responsi-bility of voting down the proposition if they please. I be-lieve they would report a plan with which I would be satisfied, and I would never give up a hair's breadth of the rights nor do any thing to compromise the honor of the South. That committee should be composed, not of ultraists, not of prejudiced men, net of fanatics, but it should be formed of the wise men of this body; patriotic men—men who dare to meet faction, and put it down; who dare to risk themselves before the country in behalf of the Union. I would risk my life on their being able to report a plan which the whole Se-nate would be willing to ratify. Gentlemen do not seem to comprehend the difference between the action of individuals here and thirteen Senators acting in a committee-room. Each one then would feel himself sustained by twelve others. In any proposition of adjustment which might be recommended, these thirteen men of high character, weight, and influence, from every part of the republic, would be able to sustain themselves against the efforts of all factions to put them down. This they would feel, and upon that feeling they would act with becoming firmness; and that plan, thus supported, thus backed by high character, would meet with proper respect here, and in the House of Representatives, and throughout the republic, and we should be saved from those evils to which, as a nation, we are, in my opinion, speedily ap-

Mr. CLEMENS. How does the Senator propose tha the committee shall be constituted? Mr. FOOTE. I propose to refer all questions connected with this subject to a select committee of thirteen, to consist of six members from the South and six from the North-the twelve to appoint the thirteenth.

Mr. HUNTER. Who will elect the six Southern members

Mr. FOOTE. The Senate, of course. Mr. WALKER. In the remarks of the Senator from dississippi he has expressed the belief-Mr. FOOTE. Will the Senator from Wisconsin pardor me for a moment? I propose that the committee shall consist of three Democrats from the North and three Whigs from the North, and an equal number of Whigs and Demo

crats from the South. Mr. WALKER. The Senator from Mississippi has ex pressed his strong conviction and firm belief that if this committee be raised in the manner he proposes, they will be able to propose some plan for the accommodation of these difficul-ties with which he at least will be satisfied. Accompanying that remark of the honorable Senator is the declaration which he has made before the Senate, that he will not give up one hair's breadth of the rights of the South. He construes the rights of the South for himself, and of course gentlemen of the North construe the rights of the North for themselves, and they are standing in opposition to each other. It appears to me that the declaration made by the honorable Senator from Mississippi sounds rather harshly when regarded as coming from one who is proposing to be a compromiser. Sir, what does the South claim to be her rights? The honorable colleague of the Senator from Mississippi told us, upon one occasion, what is the least that he will be content to accept.

Mr. FOOTE. Will my friend bear with me? I did hope that the merits of this question would not be discussed now. I hope the Senator from Wisconsin will not embarrass the question by debate at this time, which will increase excitement on this question. I desire that we may be allowed to

is calculated to produce excitement; I think I have shown, on the other hand, some desire to allay excitement. But I the great country to which he owes his allegiance. Now, was going on to say that the other pression in regard to the debate that has occurred—a sort of debate that I think was almost inevitable, coming as the resolutions did from such a high quarter. Sir, every day that we have sat here—deliberating as we call it—agitating the question of slavery in this hall, we have placed the Union is solved to be the Missouri compromise line, with a guaranty on the part of Congress that slave property should be protected south of that line. Well, sir, that amounts to the establishment of the institution of slavery south of that line. Now, if that Senator expressed the views of the South, if that is the ultimatum, and if there is nothing short of that with which they will be satisfied, mark my words, you may raise a committee here, and you may swear them on the Holy Evangelists to discharge their duty to their country, to themselves, and to their God, and they will never bring in a pro-

position which will be adopted.

Mr. DAVIS, of Mississippi. I understand the Senator from Wisconsin (Mr. WALKER) to say that he did not under-

Mr. WALKER. I spoke of the Senator's position as understood it, but I believe he has explained it several times.

Mr. DAVIS. My position was, that under the constitution of the United States every species of property held by citizens of United States had a right to go into the Territory which is the common possession of the United States; that was my position. I then stated, in a spirit of compromise, that if we could not agree upon the question which now exists between the North and South—the North insisting that slave property could not go into the new Territories, the South insisting that it could go into all the Territories—if no settle-ment could be made between these conflicting opinions, I was willing, in a spirit of compromise, to divide the territory, waiving the question which is presented between the two sections of the United States, and to say that the Missouri compromise line be extended to the Pacific, specifically recognising that right which we contend to exist in all the Terri tories south of the line 36° 30', and leaving to the North the territory north of that line with slavery prohibited. That was

distinct proposition; that was a distinct compromise.

Mr. BADGER, (in his seat.) Not to establish slavery

south of the line.

Mr. DAVIS. No, not to establish slavery; but, as we could not settle this question during the present antagonism, I was willing to divide the territory, not to establish slavery in any part of it. No, sir; slavery never was established in any part of the United States by law. Property in slaves is like property in every thing else: it comes from an authority above law; it precedes all law. The law only recognises it. The recognition of the rights of the South by Congress is not to establish slavery. We of the South have been long willing stand now, sit, as we have always stood, upon the constitution; and, if there be no disposition to compromise, we have lived, as we will die, by the constitution. Am I understood And is this the position which the Senator from Wisconsin I thinks will defeat compromise? Is it the assertion of the supermacy of the constitution over the will of a majority in Congress which he considers a declaration defeating all propositions of settlement? If so, then the bond of this Union is already broken. It has no existence save what it derives from the constitution. If he supposes that the majority of the constitution of the supposes that the majority of the constitution. If he supposes that the majority of the constitution of the supposes that the majority of the constitution of the supposes that the majority of the constitution of the supposes that the majority of the constitution of the constitution of the supposes that the majority of the constituency of which, I am proud to say, I am a citizen, and to the constituency of whom it is my high honor to be the representative.

Mr. DAYTON. It seems to me, Mr. President, that there is mere difference of time rather than a difference of meaning or intention between members who have expressed them selves upon this subject. This committee may be productive of great good. It may be instrumental in bringing about an adjustment desirable to all parties, both in this chamber and

of public debate, would more probably produce something likely to meet with general acceptance than any thing that will proceed from excitement and debate here; and, believing so, I am willing to hazard a committee, but certainly I do not consider myself bound by the decision of that committee. Surely, the Senator from Wisconsin does not expect every one who votes for the committee to bind himself hand and foot—to acknowledge that he will be subject to the decision of that committee, whatever it may be? I will only vote for the committee in the hope that they may originate something that will be acceptable to every party in the country, and to every portion of the United States. This committee, being organized as is proposed, can never agree upon any thing unanimously which shall not be acceptable—at least it is to be supposed not; and be who holds the balance of power in that committee, being selected by the committee, may fairly be exparties advocated it, and thought the Legislature was the proper body to app int delegates to it, and passed a resolution to that effect. It passed in the House, that party having a majority in that branch of the Legislature. The other party having a majority in the other House, the question was decided that it would be more proper and expedient to leave the matter to the people themselves.

While I am up, I will add one word further. Why does the National Intelligencer select these one-sided statements coming f om the South, and publish them all in its columns? I have no doubt that the editors of that paper desire to preserve the Union. We can neither see nor hear of any third would not submit the case to the jury before the argument and mode of preserving it. Can it be preserved by such a course of policy? Can it be preserved by this one sided at the committee? For one, I do not know; I should be

course in opposing the South, and in assuming that the only possible mode of preserving the Union is by carrying out the designs and wishes of the Northern fanatics? The submission of the Southern people seems to be the only possible mode, in the estimation of the editors of this paper, by which the Union can be preserved.

Mr. President, the people of Tennessee value this Union as sincerely and as dearly as the editors of the National Intelligencer, and yet they will stand by the resolutions which they passed. They confirm the declaration that the only possible mode of preserving it is to defend and protect the constitution which guaranties and creates the Union. They will, therefore, resist at all hazards and to every extremity any encroachments. South, it would increase the difficulties and aggravate the excitement in different sections of the country; for it would be adopted to check it. The any thing that would protect the character of the South is the adoption of a plan marked with equality, with brotherly kindness—if I may use such a term as that—if any such plan should be adopted here, and sent to the House of Reparentatives for adoption there, good might result from it; for I must say, Mr. President, that I have learned—at least such as proposition in which the could not entirely concur; of the people of this country, the Union is believed to be in the most imminent danger; and every body seems solicitous, if go sosible, upon any honorable pretext that may be offered, to aid in saving it from the ruin which is now impending.

Sir, the present opportunity is a favorable one in other respects. We learn that only the other day—last Saturday, I believe—a large meeting was held in Philadelphia, at which the true spirit of Americanism displayed itself so gloriously as must necessarily have established in the hearts of sall, that love for our Union which perhaps was growing very faint in the breasts of some portions of the committee that should happen to be unsatisfactory to either faint in the breasts of some portions of the committee that should happen to be in the matter. I have merely indicated that this is my feeling. I have for the most immediate that the second of the Union, we would not sufficient for it would come here under the story of the continuity of the true spirit of Americanism displayed itself so gloriously as must necessarily have established in the hearts of all, that love for our Union which perhaps was growing very faint in the breasts of some portions of the committee that should happen to be unsatisfactory to either all the proposition of the Union, we would not a provided it were breather than any thing which could come for it, it would be afficult for any man to stand up single frame to suppose the fortic time of the word of th am not very sanguine of the success of the scheme proposed.

matter. I have merely indicated that this is my feeling. I am not very sanguine of the success of the scheme proposed.

Permit me to say here, that I am somewhat surprised at the tone of defiance assumed by the gentleman from Wisconsin. It comes with an ill grace from him to throw down the gauntlet and say that the North will not be satisfied with this or that, when we are speaking of the very elements which are to be submitted to this committee now, or hereafter, to bring forward a plan of adjustment. I do not say this with any feeling of unkindness; but I do think the remarks looked too much like exhibiting a spirit of defiance, when perhaps the honorable Senator had no such feeling, and did not intend to display any such feeling as that. Sir, perhaps, I may sometimes have indicated in my own manner what I would not wish to be supposed; because, let what will come, I am ready upon myself; and whatever may come, I hope to be able to meet it with firmness. But I intend to impose guards upon myself; and whatever may come, I hope to be able to meet it in such a temper as will provoke no personal irritation or hostility in any way. I have laid that down as my course. Unless I am assailed I shall not swerve from it. I have unged my objections to this committee from a fear that they unged my objections of the scheme proposed.

To take judgment and then debate the subject, and not of the scheme proposed.

Mr. FOOTE. In my opinion the most pressing danger is that some of our friends are now urging most earnestly the adoption of a specific measure which is extremely offensive to that some of our friends are now urging most earnestly the adoption of a specific measure which is extremely offensive to that some of our friends are now urging most earnestly the adoption of a specific measure which is extremely offensive to the South. So long as that measure is pressed, as it is being pressed elsewhere than here, and even here to some extent, the public mind will be kept excited; it will grow more excited the more and more t urged my objections to this committee from a fear that they question of compromise or adjustment? I do not desire to will increase instead of diminish the hazard of the crisis.

Mr. WALKER. The honorable Senator from South Carolina is entirely mistaken if he supposes I intended to that I do not find the difficulty referred to by the Senator throw down the gauntlet. I simply intended to express, as I from New Jersey, (Mr. Daxrow.) Here is a metion to

Mr. BADGER. I am entirely in favor of the proposition submitted by the honorable Senator from Mississippi, (Mr. FOOTE,) and I am at a loss to conceive what are the injuries case of such extreme importance as that which now engages the attention of the Senate and of the country? The refer ence of this subject to the committee by no means ties the course of discussion or deliberation which they may think proper upon the general topic which divides itself into so many subordinate questions; but there are great advantages, it seems to me, in adopting the course which has been the course which has been to me, in adopting the course which has been to me. many subordinate questions; but there are great advantages, it seems to me, in adopting the course which has been recommended, and is now pressed upon the Senate, to refer the whole subject to this large committee, a committee representing every portion of this country, and capable of meeting the wishes and interests of each, and making such concessions from Mississippi to allow at least the interval between this control of the country are consistent.

this committee, there can be no doubt. Like him I say, that if upon such a great occasion as this, I could conceive it possi ble that the Senate of the United States would construct this committee upon any other than the fairest, most just, and equitable grounds, I should at once despair of a compromise.

The Senate the nonorable Senator, the now adjourn. The Senate then adjourned. I have no such fear. The committee will consist of thuse gentlemen in whom we may all place confidence for their visdom, their integrity, their bonorable consideration of the make the experiment that I have proposed.

Mr. WALKER. I am not disposed to do any thing that

difficulties of their situation, and the high patrictism which will, I doubt not, bind every member of the committee to put forth every power with which God has endowed him, to save

Mr. CLEMENS. Will the Senator from North Carolina allow me to interrupt him for a moment? The question not whether the committee would propose a plan that would satisfy the Senate, but whether they would propose one that would satisfy the people. It is for that reason that I made the suggestion which I did, and I think it is important.

Mr. BADGER. I did not misunderstand the observation,

and I understand also the importance of the suggestion madby the Senator from Alabama : but what I was about to say Mr. President, was, that there is no necessity at all of putting the mode in which these selections are to be made into the resolution of reference. We shall arrange these matter without any difficulty. Every portion of the country has an interest in this great question, and every portion of the country will have an opportunity of selecting its own representative, who will be voted for by the Senate without difficulty, as we have often done and are in the habit of doing on othe ccasions; so that, instead of its having the invidious appear ance upon the record of being a sectional selection made authority from the little subdivisions of the Senate, it will be the selection by the whole Senate, by the common consent of the Senate, of those gentlemen in every portion of the Union who will be most acceptable to those whom they re-Mr. CLEMENS. That is all I want.

Mr. BADGER. No doubt; and that is what will be a complished. It appears to me in this case there can be no difficulty. Suppose, while the committee are considering the subject, the Senate comes to a conclusion that is satisfactory it supersedes the necessity of any report. Suppose it does not, and we have a report of the committee in favor of a particular plan which is agreeable to them. It comes here with the authority of a committee, and brings with it the sanctions of patriotism. The concurrence of the committee in such a measure must place those in an awkward predicament who will refuse to surrender any portion of their preconceived notions or opinions to the judgment of such a body. It controls no one. If it is wrong or vicious, the Senate will vote it down; but when it proceeds from such a body, it carries the presumption on its face that it must be taken to be correct till the contrary is shown. With regard to myself, I cannot say a word to indicate my wishes or opinions on this question. I have my own wishes and opinions. I have, personally, strong notions as to the manner in which this matter might be and ought to be settled, but I will not allude to them. I will not throw out to establish slavery. We of the South have been long willing to stake this question upon the decision of the Supreme Court.

We have asked of the North the right to carry this question the the Supreme Court. That right has been denied us. We body, and at least adopt that plan which will give general se-

actuary proken. It has no existence save what it derives from the constitution. If he supposes that the majority of the constitution of this Congress shall construct that constitution, and the rights of the minority be held subservient to such construction of the guestion. I should like to see the senate converted into a conservative body. Whatever may be the result of this controversy, let us remain personally upon good terms. If the great calamity which has been indicated should come about, I should wish to part without having any other connected. I have no feeling of the kind. I know been connected. I have no feeling of the kind. I know been connected. I have no feeling of the kind. I know been connected. I have no feeling of the kind. I know been connected. I have no feeling of the kind. I know been connected in the septial proposition is that a committee, consisting of thirteen Senators, shall be organized, with instructions to endeavor to mature some there have been very free imputations made upon some members of this body, especially on some gentlemen from the South, but I have made up my mind, show that is done it is unnecessary to indulge in any declamation one way or the other. I shall yield to no compromise that does not rest on a basis recognising, in my opinion, the equality of the States.

Now, it is perfectly evident that we are called upon to vote upon the great questions involved in this matter in this summary and off-hand manner. Are we prepared to do this? Will not this be the effect, to commit those six gentlemen from the North who may deem it desirable at some future time to modify their views? Those very gentlemen whom it may be desirable to place upon this committee will vote pro or con upon this very question—upon the most exciting part of it. The effect will unquestionably be to commit—and to commit irretrievably and in a summary and direct mode—those gentlemen upon this great question. I submit, with great respect, that such a course is unwise; that the result is likely to produce harm rather than good. Why not tarry a little? Let us wait a little; let us have the light of the minds of other gentlemen who are disposed to give us their opinions upon this question—for I understand that there are several gentlemen on the other side of the chamber who are desirous of speaking. Let us hear what they have to say to us. This matter may surely be discussed as temperately before the appointment of a committee as after. Why appoint this committee now, before gentlemen have expressed their views?

Why not rather end the discussion, sum up the whole matter Why not rather end the discussion, sum up the whole matter to the jury, and then send them out to consider their verdict?

Mr. FOOTE. Will my friend allow me simply to say, as I have said before, that the sgitation which prevails is tending rapidly to a dissolution of the Union, and this agitation will continue for months if some plan be not adopted to check it.

Mr. DAYTON. Well, in that matter there is only a difference of minima between the horocrable Sanator from Min-

These are my views. If they are voted down I shall of course important amendment to this resolution has been offered by the Senator from New Hampshire.

Mr. BERRIEN. I de are merely to say, Mr. President, throw down the gauntlet. I simply intended to express, as I think I did express, the opinion that, if what I have said is the ultimatum of the South, and that they will not give one hair's breadth, it is utterly impossible for a committee to bring any proposition here which will be adopted. God forbid that I should throw down the gauntlet, or t.row out defiance to any portion of this Union. I hope my lips will be sealed, and my tongue cleave to the roof of my mouth, before I throw out defiance to any portion of the Union. May God bless it all, and may harmony and peace prevail throughout every section of the original resolution. You propose to raise a committee to the the original resolution. You propose to raise a committee who are to mature a plan of compromise upon all the questions in relation to slavery. The Senator from New Hampshire (Mr. Hale) proposes to amend that motion by instructing the committee to adopt the extreme of this broad land!

Mr. BADGER with general and undefined power to mature a scheme or plan of compromise, and then, by the adoption of the amend-ment you take away from them all discretion whatever, and require them to adopt the ultra extreme proposition of one of which can be expected to arise from it. The appointment of a committee for the purpose of considering subjects which are likely to produce difficulty and disagreement is an ordinary, posed in an act of legislation to vote for or against the Wilparliamentary course, even upon occasions in themselves of mot proviso, is a question which cannot arise in this resolution. small importance. Why then should we not resort to it in a Gentlemen who believe that the Wilmot proviso ought to be attached to Territorial bills, may well refuse to vote for the amendment of the honorable Senator from New Hampshire, (Mr. HALE,) because it takes away the discretion which it from each portion of the community as may be requisite to meeting upon common and fair ground.

Now, sir, I agree entirely with the honorable Senator from Mississippi, (Mr. Foote, ) that in regard to the constitution of Mr. Foote, ) that in regard to the constitution of

be the desire of the Senate that it shall be deferred. Mr. BERRIEN. I will move, then, if it do not interfere vith the views of the honorable Senator, that the Senate do

TUESDAY, FERRUARY 26, 1850.

Mr HALE. I want to ask the indulgence of the Senate for a single moment to make an explanation personal to my-self, a thing which I never did before, and which I hope I never shall again. I hold in my hand the National Intelligencer, in which I see allusion was made to my absence yesterday in debate, and an intimation made that it was in-Mississippi, (Mr. Foote,) with his accustomed magnanimity, appended a note to the report in the Intelligencer and Union that he did not intend to insinuate that I wished to avoid responsibility. I deem it due to my constituents to state the cause of my absence. The reason is this: There is a distinguished son of New Hampshire who lies dead at this moment in this city. At an informal meeting of the delegates from that State, they devolved upon me the duty of making arrangements for the public funeral this afternoon. That is

the reason I was not present.

Mr. DAVIS. On the part of my colleague, who is absent from the Senate by reason of serious indisposition, I am authorized to say that he intended no such charge upon the Senator from New Hampshire. He did not intend to insinuate that he avoided the moral responsibility of meeting this or any other question. He has generally found him ready to take whatever moral responsibility belongs to his peculiar opinions. I will add, that it is not in the nature of my coleague to have made any such insinuations in reference to a Senator during his absence, and he certainly did not intend

any such towards the Senator from New Hampshire. Mr. HALE. I remarked that I saw that the Senator from dississippi had, with his accustomed magnanimity, disclaimed any such intention.

Mr. DAVIS. I deemed it necessary to make this state.

ment to avoid the 'possibility of misconstruction. I wish now to call the attention of the Senate to that to which the Senator from New Hampshire incidentally alluded—the decease of the distinguished son of New Hampshire, to whom I suppose he alluded; one of the many who were given by her during the war of 1812 to battle on the field and on the wave; of whom it had been said by one of his comrades in arms, that he was the firmest and coolest man he ever saw under fire. I allude, as I suppose the Senator from New Hampshire did, to Gen. McNeill.

Mr. HALE. Yes, sir.

Mr. DAVIS. He was distinguished at Chippewa and
Bridgewater; in the latter battle wounded, for life made
lame; for, though he survived, and for a long period continued in the army to render valuable services to his country, it seems that the wound he then received had sown the see disease in his constitution, which has now led to his decease in this city.

I hope the Senator from New Hampshire will make a mo-I hope the Senator from New Hampshire will make a motion that the Senate adjourn, and that the respect of this body may be evinced by attending his funeral. He is worthy of all the respect which can be shown to a gallant and deceased soldier. Towards him personally I feel the strong ties of early connexion. He commanded the regiment in which I was first promoted when I entered the army. He left the service with the respect of all who knew him, and his memory is now cherished with that respect which belongs to high gallantry, devoted patriotism, and stern integrity of character wherever he was known. To one who did so much to elevate the standard of the American soldier—who bled in youth and faithfully served his country until many winters youth and faithfully served his country until many winters had gathered their frosts upon his brow—to one whose ardent zeal for his country age could not cool, nor time cover with his rust, it is proper, it is just our marked respect should be offered on this the last occasion when it can ever be connected with the person of the deceased hero to whose memory I

leave others to pay the tribute which is due.

Mr. HALE. Mr. President, I wish to state in reference
to this matter, that, immediately upon the decease of General to this matter, that, immediately upon the decease of General McNeill, there was a consultation of the delegates from New Hampshire, and they resolved to attend his funeral as a tribute of respect to his memory this afternoon. They devolved upon me the duty of consulting with the military authorities of the city and the army, and I have the pleasure to state that General Jones called upon me last evening and stated that the military authorities, both of the city and the army, entered with great heart into the movement, and are ready to do every thing that is necessary to pay apprepriate honor to the memory of so distinguished an officer of the last war as General McNeill.

I have a letter, too, which was written to me by General Jesup, in which, speaking of the gallantry of Gen. McNeill.

I have a letter, too, which was written to me by General Jesup, in which, spesking of the gallantry of Gen. McNeill, he says that his coolness upon the field of battle was never surpassed by any living man; that, in the face of an English battery of nine guns, he formed his regiment with as much coolness as an experienced chess player would arrange his men upon the chess board. Knowing that the Senate had agreed informally to enter into Executive session to day, I did not feel at liberty to make the motion on my own authority, but, at the suggestion of the honorable Senator from Mississippi; I will move that the Sena'e adjourn to-day at two o'clock to attend the funeral of Gen. McNeill; and I will also state to the Senate that the companies of the army under General Jones, and the military authorities of the city under another Gen. Jones, have made arrangements to pay military honors to the deceased.

The question was then taken, and the motion was agreed to. On motion of Mr. MANGUM, the Senate proceeded to the consideration of Executive business, and at 2 o'clock, in accordance with the resolution of the Senate, the body attended the funeral of Gen. McNeill.